UNITED NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/49/299
S/1994/938
9 August 1994
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

GENERAL ASSEMBLY
Forty-ninth session
Item 145 of the provisional agenda*
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

SECURITY COUNCIL
Forty-ninth year

Letter dated 5 August 1994 from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of a tripartite declaration issued by our three Governments on 5 August 1994 concerning the implementation of Security Council resolutions 731 (1992) of 21 January 1992, 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 by the Libyan Arab Jamahiriya (see annex).

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 145 of the provisional agenda, and of the Security Council.

(Signed) Hervé LADSOUS
Chargé d'affaires a.i.
of the Permanent Mission
of France to the
United Nations

(Signed) D. H. A. HANNAY
Permanent Representative
of the United Kingdom
of Great Britain and
Northern Ireland to
the United Nations

(Signed) Madeleine K. ALBRIGHT
Permanent Representative
of the United States
of America to the
United Nations

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* A/49/150.

ANNEX

Declaration made on 5 August 1994 by the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the occasion of the seventh review of sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolution 748 (1992) of 31 March 1992

The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America are determined to bring to justice those responsible for the bombings of flights Pan Am 103 and UTA 772. The victims of these two atrocities and their families deserve no less.

It is now over two years since the adoption by the Security Council of resolutions 731 (1992) of 21 January 1992 and 748 (1992) of 31 March 1992. In order to comply with those resolutions the Government of the Libyan Arab Jamahiriya must ensure the appearance of those charged with the bombing of Pan Am 103 for trial before the appropriate UK or US court, satisfy the French judicial authorities with respect to the bombing of UTA 772 and commit itself definitively to ceasing all forms of terrorist activity and all assistance to terrorist groups and demonstrate, by concrete actions, its renunciation of terrorism.

Today the Council conducted its seventh review of the sanctions regime imposed on the Libyan Arab Jamahiriya by resolution 748 (1992) and concluded that Libya had not yet complied with its obligations, which are clear, unconditional and not negotiable. There was therefore no question of lifting or suspending the sanctions.

Despite professing willingness to cooperate with the French judicial authorities, the Libyan authorities have not responded satisfactorily to the requests for cooperation from the French investigating magistrate.

As regards the Lockerbie issue, the Libyan Arab Jamahiriya has made a number of proposals, all of which would fall far short of compliance with the resolutions. In particular, a trial in a third country, even one before an international tribunal or a so-called Scottish court, is unacceptable: suspects cannot be allowed to choose the venue of their trial. These Libyan proposals are nothing more than attempts to divert attention from their refusal to comply.

Our Governments note that the Government of the Libyan Arab Jamahiriya has stated that it can accept the holding of the trial outside Libyan territory, provided that a just and fair trial can be guaranteed. The three Governments take this opportunity to emphasize once more that, in line with numerous assurances that have already been given, the two accused will receive a just and fair trial before a US or Scottish court.

Once the Secretary-General has reported to the Council that the Libyan Arab Jamahiriya has satisfied the French judicial authorities with respect to the bombing of UTA 772 and ensured the appearance before the appropriate UK or US

court of those charged with the bombing of Pan Am 103, we for our part will consider favourably the suspension of the sanctions against the Libyan Arab Jamahiriya in accordance with paragraph 16 of resolution 883 (1993) of 11 November 1993, pending the report on Libya's compliance with the remaining provisions of resolutions 731 (1992) and 748 (1992), which the Secretary-General will produce within 90 days of the suspension. Our Governments recall that in the case of non-compliance the Security Council has resolved to terminate the suspension immediately.

There is no need for the current impasse to continue. The solution lies with the Government of the Libyan Arab Jamahiriya. We reaffirm that we seek no more than compliance with the resolutions. Our Governments therefore call once again on the Libyan Arab Jamahiriya, in its own interest and that of its people, to fulfil its obligations completely and without any further delay.